

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
YOUNGSTOWN DIVISION**

In Re:

ELAINE M. MILLS

Debtor(s)

CASE NO. 18-42365

Chapter 13

Judge Russ Kendig

**AMENDED OBJECTION TO
CHAPTER 13 PLAN**

Creditor, U.S. Bank National Association, as Trustee, for Manufactured Housing Contract Senior/Subordinate Pass-Through Certificate Trust 2002-1 (“Creditor”), by and through counsel, hereby objects to the proposed Chapter 13 Plan filed by the Debtor. This Amended Objection is hereby supported by the following Memorandum.

Respectfully Submitted

/s/ Steven H Patterson

Steven H. Patterson
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MEMORANDUM

Creditor holds a Mortgage on the real estate located at 6863 Slater Rd, Andover, OH 44003, a/k/a 7493 Hillcrest Drive, Andover, OH 44003. Creditor filed a Proof of Claim on February 1, 2019 claim #7 listing an arrearage of \$23,969.68 and a balance of \$77,083.80. Debtor's Plan is attempting to cram down the mortgage, which the Debtor is not entitled to do. The subject property is Debtors primary residence and Debtor cannot change the amount owed, interest rate, or other terms of a first mortgage. (11 U.S.C. 1322(b)(2))

On August 23, 2018, the Creditor was granted summary judgment in the Ashtabula

County Court of Common Pleas in case no. 2017 CV 00606. Part of the Judgment Entry was a Court determination that the debtor's mobile home is affixed to the real estate upon which it sits. See Exhibit A. The mobile home and real estate is the debtor's principal residence. The debt owed to the Creditor is long-term debt that will not mature until after the case completes. See Exhibit B. Therefore, the Debtor is not permitted to cram-down the debt owed to the Creditor.

The Chapter 13 Plan as proposed herein does not adequately protect the Creditors' interest in said real estate.

WHEREFORE, Creditor requests that confirmation be denied.

/s/ Steven H Patterson

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CERTIFICATE OF SERVICE

I certify that on April 5th, 2019, a true and correct copy of the Amended Objection to Plan was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Robert L. Herman, Debtor's Counsel
bluestreak4@hotmail.com

Michael A. Gallo, Bankruptcy Trustee
mgallo@gallotruster.com

U.S. Trustee
ustpreion09.cl.ecf@usdoj.gov

And by regular U.S. Mail, postage prepaid on:

Elaine M. Mills, Debtor
P.O. Box 133
Williamsfield , OH 44093

/s/ Steven H Patterson

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